MINUTES OF THE MARICOPA ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL MEETING

January 31, 2007 MAG Office, Saguaro Room Phoenix, Arizona

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair Mayor Mary Manross, Scottsdale, Vice Chair

- +Councilmember Dave Waldron for Mayor Douglas Coleman, Apache Junction Mayor Marie Lopez Rogers, Avondale Mayor Bobby Bryant, Buckeye Mayor Edward Morgan, Carefree Vice Mayor Dick Esser, Cave Creek Mayor Boyd Dunn, Chandler
- * Mayor Fred Waterman, El Mirage
- * President Raphael Bear, Fort McDowell Yavapai Nation
 - Mayor Wally Nichols, Fountain Hills
- * Mayor Daniel Birchfield, Gila Bend
- * Governor William Rhodes, Gila River Indian Community
 - Mayor Steven Berman, Gilbert
- * Mayor Elaine Scruggs, Glendale
- * Mayor Bernadette Jimenez, Guadalupe Mayor Thomas Schoaf, Litchfield Park

- * Supervisor Don Stapley, Maricopa County Vice Mayor Claudia Walters for Mayor Keno Hawker, Mesa
 - Councilmember Brian Cooney for Mayor Ed Winkler, Paradise Valley Mayor Bob Barrett, Peoria

Councilmember Peggy Neely, Phoenix Mayor Art Sanders, Queen Creek

- * President Joni Ramos, Salt River Pima-Maricopa Indian Community
- * Mayor Joan Shafer, Surprise
- # Mayor Hugh Hallman, Tempe
- * Mayor Adolfo Gamez, Tolleson
- * Mayor Ron Badowski, Wickenburg Mayor Michael LeVault, Youngtown Joe Lane, State Transportation Board
- * Felipe Zubia, State Transportation Board F. Rockne Arnett, Citizens Transportation Oversight Committee
- * Those members neither present nor represented by proxy.
- # Attended by telephone conference call.
- + Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:07 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Cavanaugh noted that Hugh Hallman, Tempe, was participating by telephone, and Councilmember Dave Waldron, as proxy for Mayor Doug Coleman, Apache Junction, was participating by videoconference.

Chair Cavanaugh welcomed proxies to the meeting: Vice Mayor Claudia Walters for Mayor Keno Hawker, Mesa, and Councilmember Brian Cooney for Mayor Ed Winkler, Paradise Valley.

Chair Cavanaugh welcomed a new member to the Regional Council, Mayor Bob Barrett of Peoria, and presented him with his Regional Council membership certificate.

Chair Cavanaugh noted a bill summary chart for agenda item #9 was at each place. He stated that parking validation and transit tickets were available from staff.

Chair Cavanaugh noted that the League reception for Legislators was taking place at the same time as the Regional Council meeting. He added that the Regional Council meeting would be abbreviated to accommodate those who wished to attend both functions.

3. <u>Call to the Audience</u>

Chair Cavanaugh noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Chair Cavanaugh noted that no public comment cards had been turned in.

4. Executive Director's Report

Dennis Smith reported on the regional office center. He said that if building the center is approved, MAG could be moving into the new building in late 2008 or early 2009. Mr. Smith stated that the Executive Committee and the Building Lease Working Group have been working on this effort. He advised that the building total is estimated at \$86.9 million. Mr. Smith advised that the boards of the partnering agencies, Regional Public Transportation Authority, Valley Metro Rail, and Municipal Water Users Association, will be discussing moving forward on the building in February. After the board meetings, it is anticipated there will be a special meeting in late February. He noted that input from these meetings will be presented to the Regional Council in March. Chair Cavanaugh thanked Mr. Smith for his report. No questions for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Cavanaugh stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any

member of the Council can request that an item be removed from the consent agenda and considered individually. Chair Cavanaugh stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, and #5L were on the consent agenda. Chair Cavanaugh noted that no public comment cards had been turned in. Chair Cavanaugh asked members if they had any questions or any requests to hear an item individually. None were noted.

Mayor Nichols moved to approve Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, and #5L. Mayor Barrett seconded, and the motion carried unanimously.

5A. Approval of the December 13, 2006 Meeting Minutes

The Regional Council, by consent, approved the December 13, 2006 meeting minutes.

5B. <u>Proposed Amendment and Administrative Adjustment to the FY 2007-2011 MAG Transportation</u> <u>Improvement Program and Amendment to the FY 2007 MAG Unified Planning Work Program and Annual Budget</u>

The Regional Council, by consent, approved an Amendment and an Administrative Adjustment to the FY 2007-2011 TIP and FY 2007 UPWP and Annual Budget to allow these projects to proceed. On May 24, 2006, the MAG Regional Council approved the FY 2007 MAG Unified Planning Work Program (UPWP) and Annual Budget which included a line item to fund an Elderly Mobility Pilot program project. In June 2006, the MAG Regional Council agreed to allow this project to proceed by means of a fund exchange with the City of Phoenix Public Transit Department. On July 26, 2006, the Regional Council approved the FY 2007-2011 MAG Transportation Improvement Program (TIP) which included \$400,000 in STP-MAG funds for the Elderly Mobility project. In order for this project to proceed, an administrative adjustment to the TIP is needed to replace the STP-MAG funded project with a Local funded project and a TIP Amendment is needed to add a new CMAQ-funded bus purchase project to repay the City of Phoenix. An amendment to the FY 2007 UPWP and Annual Budget is also requested. On January 10, 2007, the Management Committee recommended approval of this item. The Amendment/Adjustment to the TIP was recommended for approval by the Transportation Policy Committee on January 17, 2007.

5C. <u>Proposed Administrative Adjustment to the FY 2007-2011 Transportation Improvement Program (TIP) for Transit Projects</u>

The Regional Council, by consent, approved an Administrative Adjustment to the FY 2007-2011 MAG Transportation Improvement Program to defer two STP-AZ funded transit projects as shown in the attached table. On July 26, 2006, the MAG Regional Council approved the FY 2007-2011 MAG Transportation Improvement Program (TIP). Since that time, the Regional Public Transportation Authority (RPTA/Valley Metro) has requested the deferral of two STP-AZ federally funded park-and-ride projects that were not obligated during the last federal fiscal year and an administrative adjustment is needed to accomplish these deferrals. The proposed changes may be categorized as exempt projects or minor project revisions for which an air quality conformity analysis is not required. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval of both project deferrals.

5D. Recommendation of Projects for MAG Federal Funding in the FY 2008-2012 MAG Transportation Improvement Program (TIP) - the MAG Federally Funded Program

The Regional Council, by consent, approved the projects for CMAQ discretionary funding and to include those projects in the Draft FY 2008-2012 MAG Transportation Improvement Program for public review and comment. The MAG Regional Transportation Plan (RTP) targets all future MAG Federal Funds to specific modes and, in some cases, identifies specific projects for the funds. For ITS, Bicycle, Pedestrian and Air Quality projects, the RTP identified funds, but did not specify individual projects. Requests for projects for the MAG Federal funds expected to be available for FY 2012 have been received, and ranked by modal technical advisory committees (TACs). Funds are also available for ITS projects for FYs 2008, 2009 and 2010. The TAC rankings were reviewed by the Transportation Review Committee (TRC) on December 14, 2006. The attached table contains the most recently recommended projects from the Air Quality, Bicycle, Pedestrian and ITS modes. The approved projects from these modes will be combined with other recommendations for the life cycle programs for freeways, arterials and transit, to form a MAG Federally Funded program. This program will then be added to the regionally funded components of the freeway, arterial and transit life cycle programs, projects from the state highway program and any locally/privately funded projects being submitted for inclusion in the TIP to form the draft TIP (Listing of Projects). The Management Committee and the Transportation Policy Committee recommended approval of this item.

5E. Purchase of Loop 303 Right-of-Way by the City of Goodyear

The Regional Council, by consent, approved that the proposal for Goodyear to acquire the property and to be reimbursed at an amount that is the lesser of the amount Goodyear paid for the property or the fair market value of the property, assuming the highest and best use as used in the current appraisal, according to the schedule in the freeway life cycle program for the right-of-way that is required for L303. The City of Goodyear has an opportunity to acquire approximately 87 acres of property that is in the alignment for the preferred corridor for the L303 from I-10 to MC 85. The property, if not purchased now, could be developed between now and when the right-of-way would normally be acquired for the freeway. This section of L303 has design and right-of-way funds programmed in 2016 and construction funding in 2018 and 2019. Goodyear is proposing that the City purchase the property now for approximately \$12 million and that the city would be reimbursed this amount in 2016. The current appraised value of the property is approximately \$14.1 million. To protect the freeway life cycle program, Goodyear understands that they will only be reimbursed for the property that is actually needed for the freeway and that, if the freeway corridor is not sited through this property, the City would not receive any reimbursement. Furthermore, Goodyear would agree to be reimbursed less if the appraised value of the property in 2016 is less than the current appraised value. Note that the future appraisal of the property would assume that the highest and best use of the property would be the same as that assumed in the current appraisal rather than as a remnant property. With the conditions that only the property needed for the freeway will be reimbursed and that the amount of the reimbursement will be the amount Goodyear paid for the property or fair market value assuming that the highest and best use of the property would be the same as that assumed in the current appraisal, there is no negative impact on the ADOT freeway life cycle program. The freeway program will potentially benefit from this proposal since any future property value increases and severance damages will be avoided. The

Management Committee and the Transportation Policy Committee recommended approval of this item.

5F. Consultant Selection for the Interstates 8 and 10 Hidden Valley Transportation Framework Study

The Regional Council, by consent, approved the selection of DMJM Harris to conduct the Interstates 8 and 10 Hidden Valley Roadway Framework Study for an amount not to exceed \$770,000. The FY 2007 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2006, includes the Interstates 8 and 10 Hidden Valley Transportation Framework Study. MAG has been requested to serve as the lead agency given the regional nature of this project. Project partners providing financial support include ADOT, MCDOT, CAAG, Pinal County Public Works, the Cities of Goodyear and Maricopa, and the Town of Buckeye. In October 2006, MAG advertised for a consultant to provide services to accomplish this study and received three responses. A multi-agency review team scored the proposals, conducted interviews, and recommended to MAG the selection of DMJM Harris to conduct the Study for an amount not to exceed \$770,000. The Management Committee recommended approval of the selection.

5G. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2007-2011 MAG Transportation Improvement Program. The proposed amendment includes the addition of a new City of Phoenix project for the purchase of a standard bus in FY 2007. In addition, minor project revisions are included for an Elderly Mobility Pilot Program and two regional park-and-ride projects. The amendment includes projects that may be categorized as exempt and minor project revisions that do not require a conformity determination. Comments on the conformity assessment were requested by January 26, 2007. This item was on the agenda for consultation.

5H. Fiscal Impact of Domestic Violence on Local Criminal Justice Systems

The MAG Regional Domestic Violence Council's Victim Services Stakeholder Group, in partnership with the Arizona State University Partnership for Community Development, has completed the report, The Fiscal Impact of Domestic Violence on Local Criminal Justice Systems in the MAG Region. The report provides data on the costs of domestic violence to police departments, prosecutors' offices, and municipal courts in a sampling of four cities. Based on the report's findings, three recommendations are provided: additional study at a municipal level; analysis of existing local policies and procedures to identify differences and commonalities; and identify and recommend applicable data collection and data sharing models. This item was on the agenda for information and discussion.

5I. Social Services Block Grant Fund Recommendations

The Regional Council, by consent, approved the SSBG allocation recommendations for FY 2007-2008 to be forwarded to the Arizona Department of Economic Security. Under a planning contract with the Arizona Department of Economic Security (DES), the MAG Human Services Planning Program annually researches and solicits input on human services needs in the MAG region. The MAG Human Services Coordinating Committee identifies which services should be directed to meet these needs

through the locally planned dollars under the Social Services Block Grant (SSBG). Services funded by SSBG include assistance to the most vulnerable people in our region, including very low-income children and families, elderly people, victims of domestic violence, homeless people and persons with disabilities. This item is presented to recommend approval of the allocation recommendations for FY 2007-2008 and to forward the recommendations to the Arizona Department of Economic Security. The Management Committee and the MAG Human Services Coordinating Committee recommended approval of this item.

5J. Status Update on the June 30, 2006 Single Audit and Management Letter Comments, MAG's Comprehensive Annual Financial Report (CAFR) and OMB Circular A-133 Reports (i.e., "Single Audit") for the Fiscal Year Ended June 30, 2006

The Regional Council, by consent, accepted the audit opinion issued on the MAG Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2006. The public accounting firm of Deloitte & Touche LLP has completed the audit of MAG's Comprehensive Annual Financial Report (CAFR) and Single Audit for the fiscal year ended June 30, 2006. An unqualified audit opinion was issued on December 28, 2006 on the financial statements of governmental activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information. The independent auditors' report on compliance with the requirements applicable to major federal award programs, expressed an unqualified opinion on the Single Audit. The Single Audit report indicated there were no reportable conditions in MAG's internal control over financial reporting considered to be material weaknesses, no instances of noncompliance considered to be material and no questioned costs. The Single Audit report had no new or repeat findings. No new or repeat Management Letter comments were issued for the fiscal year ended June 30, 2006. On January 8, 2007, the Executive Committee recommended acceptance of the audit opinion.

5K. The Arizona Data Estimates and Projections Task Force (ADEPT)

The Arizona Data Estimates and Projections Task Force (ADEPT) was created by Executive Order 2006-4 on February 8, 2006 and was tasked with evaluating best practices by other states for developing accurate population and employment estimates and projections and labor market information; reviewing what is being done at the state level; and making recommendations to enhance the estimates and projections process as well as enhance access to and utilization of labor market information. ADEPT has issued an interim report to the Governor. This item was on the agenda for information and discussion.

5L. Ratification of the Annual Performance Review and Compensation of the MAG Executive Director

The Regional Council, by consent, ratified the action of the Executive Committee to increase the MAG Executive Director's salary. In January 2003, the Regional Council approved an agreement to hire the current Executive Director. As part of this agreement, it was provided that the Executive Director would receive an annual performance review conducted by the Executive Committee. As part of the evaluation, in November 2006, a questionnaire was sent to the members of the Regional Council to comment on the performance of the Executive Director. On January 8, 2007, the Executive Committee

reviewed the comments from the Regional Council, discussed the performance of the Executive Director, and took action to increase the salary of the Executive Director.

6. <u>Nominations for Business Representatives on the Transportation Policy Committee</u>

With the passage of Proposition 400 on November 2, 2004, the President of the Senate and the Speaker of the House of Representatives were authorized to appoint six business members representing regionwide business interests to the Transportation Policy Committee (TPC). The terms of two of the business members who were appointed by the Speaker of the House expired on December 31, 2006. The law also provides that the Chair of the Regional Planning Agency may submit names to the President of the Senate and Speaker of the House of Representatives for consideration. On January 9, 2007, a memorandum was sent to Regional Council members requesting names for the business representatives. The TPC provided input at its January 17, 2007 meeting, and recommended that the two individuals who previously served continue on the Committee. The individuals recommended were Mr. Eneas Kane of DMB Associates, Inc., to fill the regionwide business interest seat, and Mr. Dave Berry of Swift Transportation to fill the business seat representing freight interests. The Regional Council is requested to approve having the Chair of the Regional Council forward the two names recommended by the TPC to the Speaker of the House of Representatives for consideration.

Chair Cavanaugh asked if there were any additional nominations or discussion on the recommendation of the TPC. None were noted.

Mayor Berman moved to approve having the Chair of the MAG Regional Council forward the two names recommended by the TPC to the Speaker of the House of Representatives for consideration. Mayor Bryant seconded, and the motion carried unanimously.

7. Air Quality Update

Chair Cavanaugh asked members if there were any requests to hear a presentation on this item from Lindy Bauer, MAG Environmental Director. No requests were made to hear a presentation.

An Air Quality Update will be provided on the Five Percent Plan for PM-10 and the Eight-Hour Ozone Plan which are due to the Environmental Protection Agency in 2007. A recent court ruling vacated EPA's Phase 1 Eight-Hour Ozone Implementation Rule, which included the classification of the nonattainment areas. Also, on January 8, 2007, an Air Quality Executive Order was issued which requires the Arizona Department of Environmental Quality to develop an Air Quality Improvement Action Plan by March 31, 2007 and to develop requirements for State agency Air Quality Impact Reports on proposed State funded transportation projects in Maricopa, Pima, and Pinal counties.

8. <u>Discussion of the Development of the FY 2008 MAG Unified Planning Work Program and Annual Budget</u>

Chair Cavanaugh asked members if there were any requests to hear a presentation on this item from Rebecca Kimbrough, MAG Fiscal Services Manager. No requests were made to hear a presentation.

Each year, the Unified Planning Work Program and Annual Budget is developed in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies in the spring and approved by the Regional Council in May. This overview of MAG's draft Dues and Assessments and the proposed budget production timeline provides an opportunity for early input into the development of the Work Program and Budget.

9. <u>Legislative Update</u>

Matthew Clark, MAG Senior Policy Planner, provided an update on legislative issues of interest. He reported that Senate Bill 1380 increases the maximum maturity date for state highway bonds from 20 years to 30 years to bring in an additional \$500 million in revenue.

Mr. Clark stated that Senate Bill 1538, sponsored by Senator Rios, increases the number of Transportation Districts in the state from six to ten, and will also increase the number of board members from six to ten.

Mr. Clark reported that Senate Bill 1576, sponsored by Senator Jay Tibshraeny, repeals the chapter in the transportation code that deals with private transportation projects and replaces the chapter with language authorizing the formation of transportation authorities made up of combinations of local government entities with or without state participation. These highway authorities may construct, finance, and operate public highways including toll roads. Mr. Clark noted that this bill is the first step to fix tolling in the state constitution. He noted that there will probably be amendments to the bill.

Mr. Clark stated that House Bill 2345 annually adjusts the Motor Vehicle Fuel Tax and the Use Fuel Tax by the same percentage as the percentage change in the gross domestic product index factor for the state of Arizona supplied by the United States bureau of economic analysis.

Mr. Clark noted that House Bill 2571 appropriates \$100 million from the Highway Users Revenue Fund and the State Highway Fund for the Statewide Transportation Acceleration Needs (STAN) account. Mr. Clark noted that in related action, the Governor, in the released budget, moved \$88 million from HURF to the Department of Public Safety (DPS). Mr. Clark stated that the plan is to use the money from extending the bonding period to repay the HURF fund and have \$450 million to accelerate transportation projects. Chair Cavanaugh thanked Mr. Clark for his report and asked members if they had questions.

Mr. Arnett asked if the public highway authorities was limited to highways or had the broad definition of Oregon legislation. Mr. Clark stated that it was based on the Colorado statute. He said that Senator Tibshraeny has indicated he would like to expand it to include benefit districts to allow future development to pay for future roadways, similar to an impact fee. Mr. Clark said that Senator Tibshraeny has indicated that he does not want any authorization in legislation to toll current roads or those promised to taxpayers. Mr. Arnett asked if the definition of public/private partnerships would include commuter rail and high capacity transit. Mr. Clark replied that this is not in the current bill, but he believed there will be discussion of this in future amendments. He stated that Senator Tibshraeny dropped another bill to add transit capital investments in applying for HELP loans. Mr. Arnett suggested that might be added to the bill summary.

10. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Vice Chair Manross invited members to come to the City of Scottsdale to enjoy the FBR Open events. She encouraged members to read the report that was included in agenda item #5H, Fiscal Impact of Domestic Violence on Local Criminal Justice Systems. She noted that the report was developed by the MAG Regional Domestic Violence Council's Victim Services Stakeholder Group, in partnership with the Arizona State University Partnership for Community Development. Vice Chair Manross said that the report provides data on the costs of domestic violence to police departments, prosecutors' offices, and municipal courts. She commented that domestic violence has a high recidivism rate. Vice Chair Manross stated that the real value is to use the information in each jurisdiction, which will provide a realization that prevention and education are needed to help keep down both public safety costs and human costs.

Mayor Hallman said that he reiterated and supported Mr. Arnett's comments in the legislative update. He expressed that he hoped, with the Governor's call, there will be a start to look at transportation opportunities as holistically as possible. Mayor Hallman stated that the Southeast Valley suffers due to fairly severe congestion due to delays in the Broadway Curve widening effort at the US-60 ramp. He urged moving forward on this project as quickly as possible, and any additional needs for transportation, such as commuter rail.

There being no further business, the Regional Council meeting adjourned at 5:30 p.m.	
	Chair
Secretary	